

CITY OF FAIRFIELD

RESOLUTION NO. 2019 - 288

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD REQUESTING
MEMBERSHIP IN MARIN CLEAN ENERGY AND AUTHORIZING THE CITY
MANAGER TO EXECUTE THE MEMORANDUM OF UNDERSTANDING AND ALL
OTHER RELATED DOCUMENTS**

WHEREAS, on September 24, 2002, the Governor of California signed into law Assembly Bill 117 (Statute 2002, Chapter 838; see California Public Utilities Code section 366.2; hereinafter referred to as the "Act"), which authorizes any California city or county, whose governing body so elects, to combine electricity load of its residents and businesses in a Community Choice Aggregation program (CCA); and

WHEREAS, on September 27, 2006, Assembly Bill 32 (AB 32), the Global Warming Solutions Act, was signed into law establishing the goal of reducing California's greenhouse gas (GHG) emissions to 1990 levels by 2020; and

WHEREAS, the Act expressly authorizes participation in a CCA through a joint powers agency, and on December 19, 2008, Marin Clean Energy (MCE) was established as a joint powers authority pursuant to a Joint Powers Agreement, as amended from time to time; and

WHEREAS, on February 2, 2010, the California Public Utilities Commission certified the "Implementation Plan" of MCE, confirming MCE's compliance with the requirements of the Act; and

WHEREAS, electricity is generated and provided by Pacific Gas and Electric Company (PG&E) with no alternative provider for the City of Fairfield. PG&E is currently meeting the 33% renewable portfolio standard to its power mix as required by Executive Order-S-14-08; and

WHEREAS, the City of Fairfield is committed to the development of renewable energy generation and energy efficiency improvements, reduction of GHG's, and protection of the environment in supporting MCE's electricity procurement plan that offers customers a minimum energy content of 60% renewable to up to 100% renewable; and

WHEREAS, MCE primarily sources its electrical energy from non-polluting renewables such as solar, wind, geothermal, bioenergy and hydroelectric; and

WHEREAS, the City of Fairfield finds it important that its residents, businesses and public facilities have alternative choices to energy procurement beyond PG&E; and

WHEREAS, the City of Fairfield finds that joining MCE will offer customers choice in their provider of electric generation and help meet the GHG emission reduction goals of AB 32; and

WHEREAS, the MCE Joint Powers Agreement requires the City of Fairfield to individually adopt a resolution requesting membership in the MCE Joint Powers Authority and adopt an ordinance electing to implement a CCA within its jurisdiction.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FAIRFIELD HEREBY RESOLVES:

Section 1. Joining a CCA does not constitute a “project” within the meaning of the Public Resources Code Section 21065, 14 California Code of Regulations Section 15060(c)(3), or 14 California Code of Regulations Section 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and involves administrative activities that will not result in direct or indirect physical changes in the environment.

Section 2. The City Council of the City of Fairfield approves the MCE Clean Energy Joint Powers Agreement.

Section 3. The City Council of the City of Fairfield authorizes the implementation of a Community Choice Aggregation Program in the City of Fairfield.

Section 4. The City Council of the City of Fairfield authorizes the City Manager, or designee, to execute the Memorandum of Understanding with MCE subject to City Attorney or independent counsel approval.

Section 5. The City Council of the City of Fairfield requests membership in the MCE Joint Powers Authority.

Section 6. The City Council of the City of Fairfield requests the Board of Directors of MCE approve the City of Fairfield as a member of MCE Joint Powers Authority.

Section 7. The City Council of the City of Fairfield authorizes the City Manager, or designee, to execute other documents necessary or desirable to initiate membership with MCE, subject to City Attorney or independent counsel approval.

PASSED AND ADOPTED this 3rd day of December, 2019, by the following vote:

AYES: COUNCILMEMBERS: PRICE/BERTANI/MOY/TIMM/VACCARO

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

ABSTAIN: COUNCILMEMBERS: NONE


MAYOR

ATTEST:

CITY CLERK

Memorandum of Understanding between MCE and City of Fairfield Exploring Inclusion in MCE

This Memorandum of Understanding (MOU), regarding Marin Clean Energy (MCE) membership consideration is entered into by and between MCE and the City of Fairfield.

WHEREAS, the City of Fairfield has expressed interest in exploring membership in MCE, and

WHEREAS, MCE has a Policy to consider new community inclusion, subject to receipt of a complete application and subject to MCE analysis and approval, and

WHEREAS, MCE and the City of Fairfield are collaborating to determine the feasibility of including the City of Fairfield within MCE's Service area and approving the City of Fairfield's application for membership; and

WHEREAS, MCE and the City of Fairfield have a mutual interest in following the guidelines below,

NOW THEREFORE, the parties hereto agree as follows:

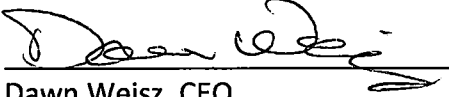
1. The City of Fairfield agrees to assign one staff member as primary point of contact with MCE. Assigned staff member will support and facilitate communication with other City of Fairfield staff and officials, as well as provide input and high-level assistance on community outreach.
2. The City of Fairfield will work with MCE to conduct public outreach about the MCE program to aid in outreach and education and to collect feedback from the community. Options to publicize include, but are not limited to, website, social media, public events, community workshops, and newsletter announcements, as well as distribution of flyers and handouts provided by MCE.
3. The City of Fairfield will complete and submit 'MCE Membership Application' to MCE.
4. After receipt of complete Membership Application MCE will conduct a quantitative analysis to determine feasibility of adding the City of Fairfield to the MCE Service Area, and approve membership if analysis results are positive.
5. Subject to membership approval by the MCE Board, the City of Fairfield agrees to publicize and share information about MCE within its community during the six-month enrollment period. Options to publicize include, but are not limited to, website, social

media, public events, community workshops, and newsletter announcements (where feasible), as well as distribution of flyers and handouts provided by MCE at City of Fairfield offices.

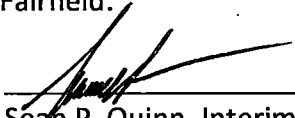

6. Subject to membership approval by the MCE Board, the City of Fairfield agrees to provide desk space for up to two MCE staff during the six-month enrollment period, and agrees to consider ongoing desk space availability if needed for effective and efficient outreach.

IN WITNESS WHEREOF, the parties hereto have executed this MOU.

Marin Clean Energy:

By:  3-3-20
Dawn Weisz, CEO Date
MCE

City of Fairfield:

By:  12/9/19
Sean P. Quinn, Interim City Manager Date
 City of Fairfield